

# News Release



U.S. Department of Labor  
Office of Public Affairs  
Kansas City  
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For Immediate Release  
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## **Labor Department Sues Miller Plumbing SIMPLE IRA Plan Official For Failing to Forward Employee Contributions**

**KANSAS CITY** – The U.S. Department of Labor sued Jeffrey P. Miller, vice president of the now defunct Omaha, Neb.-based Miller Plumbing Service, Inc. and a fiduciary of the company's SIMPLE IRA plan, for failing to forward \$4,583 in employee contributions to the IRA accounts of plan participants and retaining the funds in the company's general account.

The suit alleges that Miller deducted pension contributions from employees' paychecks at various times from October 2000 to July 2001, but failed to forward the assets to the participants' IRA accounts. He also allegedly failed to forward employee contributions in a timely manner.

The suit, filed April 21 in federal district court in Omaha, is seeking to require Miller to repay the plan for its losses with interest as restitution for violations of the Employee Retirement Income Security Act (ERISA).

Miller Plumbing Service, Inc., a subchapter S corporation located at 12420 Hickory Street in Omaha, ceased operations on July 31, 2001. The plan had five participants, including Miller.

"The law is clear. When a company sponsors a plan to benefit employees, it cannot use its assets for any other business purpose," said Gregory Egan, director of the Kansas City Regional Office of the Employee Benefits Security Administration (EBSA).

Employers with similar problems, who are not yet the subject of an investigation by EBSA, may be eligible to participate in the department's Voluntary Fiduciary Correction Program (VFCP). Participation in the VFCP requires employers to make workers whole but allows them to avoid EBSA enforcement actions, civil penalties and any applicable excise taxes. For more information see [www.dol.gov/ebsa](http://www.dol.gov/ebsa).

Employers and workers can contact the Kansas City Regional Office at (816) 426-5131 or EBSA's toll free number, 1-866-444-EBSA (3272), for help with any problems relating to private-sector pension and health plans.

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(Chao v. Miller)  
Civil Action No. 8:03-CV-156